

Exhibit B

Williamson, Carrie

From: edward.reines@weil.com
Sent: Sunday, December 02, 2007 8:52 PM
To: Fowler, Mark
Cc: Williamson, Carrie
Subject: Re: NetApp/Sun -- Setting The CMC

Mark,

Thanks for your clarification regarding the new case report. We'll have to check on the status of the Texas case.

You raise several good points for us to discuss. Let's talk through the issues to ensure we are on the same page. I'll be in the office tomorrow, although in and out of meetings. Can you talk at 9:30 am?

Best,

Ed

----- Original Message -----

From: "Fowler, Mark" [Mark.Fowler@dlapiper.com]
Sent: 12/02/2007 02:26 PM PST
To: Edward Reines
Cc: "Williamson, Carrie" <Carrie.Williamson@dlapiper.com>
Subject: RE: NetApp/Sun -- Setting The CMC

Ed,

I think the Texas case may have "hit" the California docket. The case filed before Judge Ware, now before Judge LaPorte, is case no. 3:07-cv-05488 EDL, and is Sun v. NetApp. The case I saw in Friday's report has a different number, 3:07-cv-06053 EDL, and is NetApp v. Sun. If the Texas case has hit, we'll need to reflect that in our CMC filing. I assume we can make this determination on Monday.

In the meantime, I have some comments and questions:

1. We agreed to a prompt CMC in the Texas case, so as to not materially delay the progress of that case in light of the transfer. The draft CMC filing you prepared is in the California-filed case, and would advance the initial CMC in that case from March 24 (the date previously set by Judge Ware) to early January. We did not agree to accelerate the CMC in the California-filed case, although I am not completely opposed to this in concept, provided we have a common understanding as to what we plan to achieve at an earlier conference, as discussed below.
2. Does NetApp intend to file counterclaims in the California-filed action (other than declaratory relief counterclaims on the patents asserted by Sun)? Whether or not NetApp plans to do so impacts whether an early January CMC makes sense for that case.
3. What do you have in mind in terms of the parties' Rule 26(f) conference in the two cases, including when discovery can begin, in relation to the date of the initial CMC? For example, did you have in mind we would complete our Rule 26(f) conference in one or both cases in shortly and begin discovery later this month?
4. What do you have in mind in terms of the application of the Patent Local Rules in relation to this early CMC? For example, did you have in mind the parties would meet and confer before the CMC to propose a schedule to the Court at the CMC for the disclosures identified in the Patent Local Rules, and to discuss that proposal with the

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Court (or competing proposals if the parties are unable to agree on a joint proposal), or, instead, did you have in mind that the parties' disclosure obligations would be automatically triggered off the CMC so that, for example, NetApp would serve its PICs on Sun 10 days after the CMC?

Please let me know your thoughts on these points to make sure we are on the same page in terms of what needs to be accomplished before and at the initial CMC.

Thanks,

Mark